



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N725
Indianapolis, Indiana 46204

Phone: 317 232-5095

Eric Holcomb, Governor
Joe McGuinness, Commissioner

January 21, 2020

INDIANA
STATE ETHICS COMMISSION

JAN 23 2020

Katherine Noel, Chair
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, Indiana 46202

FILED

RE: Waiver of Application of 42 IAC 1-5-1 (the "Gift Rule") for Certain Items of Value That Will Be Received by INDOT Employees for the Indiana Mineral Aggregates Association ("IMAA") Winter Workshops January 27-29, 2020.

Chairperson Noel:

Commissioner Joe McGuinness, the appointing authority of the Indiana State Department of Transportation ("INDOT"), has designated authority to me as the agency's ethics officer to waive application of the Gift Rule in individual cases when consistent with the public interest. I am hereby waiving application of 42 IAC 1-5-1 (a) for the INDOT employees identified on the attached Exhibit A, so that they may attend the Indiana Mineral Aggregates Association ("IMAA") Winter Workshops ("IMAA Workshops") on January 27-29, 2020. Each attendee will benefit from attendance for the reasons provided below.

The IMAA Workshops will be held at the JW Marriott in Indianapolis, Indiana. INDOT employees attending the IMAA Workshops will not be required to pay a registration fee, which covers the cost of attendance, three (3) lunch meals, and other food and drink. The registration fee for INDOT employees will be covered by IMAA. The total value of the items of value being transmitted to INDOT employees is Four Hundred Twenty-Five Dollars (\$425.00) per person.

Several of the member-companies that will attend the IMAA Workshops, and pay the dues from which INDOT's expenses will be covered, have a business relationship with INDOT, or may seek to influence an action by one or more INDOT personnel in his or her official capacity. IMAA is itself a trade association and has from time to time attempted to influence the decision making of the Department.

INDOT personnel covered by this waiver will be instructed to not accept any other item of value from any other person, if that person may have a business relationship with INDOT or may seek to influence an action by one or more INDOT personnel in his or her official capacity. INDOT personnel will be informed that the safest course of action is to assume that everyone attending the IMAA Workshops has a business relationship with INDOT, or may otherwise have an interest in influencing Department operations.

The IMAA Workshops is primarily educational in nature, with some networking opportunities as well. The listed INDOT employees will attend all educational sessions, as well as participating in networking opportunities. Employees will be available to answer attendee's questions about doing business with INDOT, and INDOT operations.

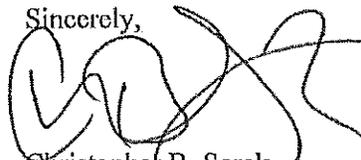
The individuals who will attend the event, as identified in Exhibit A, are geologists or hold positions in the Office of Material Management, all of whom work with aggregate and related materials. The professional services of these individuals will be enhanced by learning about evolving means and methods in the aggregate industry, and from exchanging ideas with industry stakeholders in attendance. The covered INDOT employees will greatly benefit from both the classroom portions of the event as well as the vendor expositions. The attending employees are tasked with identifying the best materials available for INDOT to use in the construction of Indiana's roads, as well as with testing such materials to ensure only appropriately constituted materials are utilized in Department projects. Accordingly, every attendee listed in Exhibit A is in a position with the Department that will benefit from attendance of the Indiana Mineral Aggregates Associations workshops, through the educational, vendor, and networking components of the event.

Indiana Code 8-23-2- 4.1(4)(A) provides that INDOT is responsible for the "construction, reconstruction, improvement, maintenance, and repair of (state) highways" and Indiana Code 8-23-2-5(a)(4) imposes upon INDOT the statutory duty in to "evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques." By attending the IMAA Workshops, INDOT employees will be educated concerning developments in the aggregate industry, including new products, testing and inspection methods, and best practices in material management. INDOT employees will further have the opportunity to build better partnerships with attendee firms that do business with the Department, and educate industry members regarding INDOT operations.

Therefore, it is my opinion that it is consistent with the public interest for these INDOT personnel to attend the IMAA Workshops on January 27-29, 2020, and to receive the items of value specified above, even though payment for these items is being made from dues paid by entities that may have a business relationship with INDOT. Based on this finding, I am hereby waiving application of 42 IAC 1-5-1 (a) to allow the INDOT employees identified in Exhibit A to accept registration fees for the IMAA Workshops, with a total value of Four Hundred Twenty-Five Dollars (\$425.00) per person.

If you need additional information or have any questions about this letter, please feel free to contact me at (317) 234-2115 or chserak@indot.in.gov.

Sincerely,



Christopher B. Serak,
Prequalification Director &
Ethics Officer

Indiana Department of Transportation

LAST_NAME	FIRST_NAME	DISTRICT	DEPT_NAME
Williamson	Bart	Central Office	INDOT - Materials Management
Reilman	James	Central Office	INDOT - Materials Management
Beeson	Matthew	Central Office	INDOT - Materials Management
Barnsbee	Alex	Central Office	INDOT - Materials Management
Tompkins	William	Seymour	INDOT - Testing 5
Corey	Douglas	Central Office	INDOT - Materials Management
Badding	Lauren	Central Office	INDOT - Materials Management
Craig	Patrick	Vincennes	INDOT - Testing 6
Jacobs	David	Fort Wayne	INDOT - Testing 2
Ehrhart	Melissa	Fort Wayne	INDOT - Testing 2
Phelps	Christa	Central Office	INDOT - Materials Management
Bramblett	Michael	LaPorte	INDOT - Testing4
Sweet	Robert	Fort Wayne	INDOT - Testing 2
Bell	Christopher	Seymour	INDOT - Testing 5